



Flathead City-County Health Department

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www.flatheadhealth.org

EXHIBIT 4
DATE 2/17/2009
HE 362
Community Health Services
751-8110 FAX 751-8111
Environmental Health Services
751-8130 FAX 751-8131
Reproductive Health Services
751-8150 FAX 751-8151
Home Health Services
751-6800 FAX 751-6807
WIC Services
751-8170 FAX 751-8171

February 16, 2009

Chairman Ron Stoker and Members
House Judiciary Committee
Capital Station
P.O. Box 200400
Helena, MT 59620-400

Re: HB 362

Dear Chairman Stoker and Committee Member,

This testimony is provided in support of House Bill 362 – an act that would define disaster medicine and limit liability of licensed health care professionals during the practice of disaster medicine.

As a local public health official, I understand the importance of our medical care system as a principal component in a community's response to and recovery from a declared emergency or disaster. Recent events here in our country and world-wide such as Hurricane Katrina and pandemic influenza preparedness planning have shown us how important this emerging field of disaster medicine is to the health of a community.

House Bill 362:

- Defines disaster medicine as a provision of medical when the capacity of normal medical resources (physical and human) is overrun by the number of patients needing care.
- Provides limitations on liability for licensed health care providers who practice medical care in good faith and without gross negligence or willful or wanton misconduct.
- This Bill does not conflict with HB 114 that provides immunity to volunteer health care providers but recognizes the importance of providing similar immunity for our own licensed providers. Should we create a system where we have two providers (one a volunteer from another state and the other a Montana-licensed practitioner) working side-by-side that are subject to different liability standards and protections? This will occur if HB 114 passes and HB 362 fails.
- Provides a defensible and established mechanism to declare when disaster medicine can be practiced as it is linked to the declaration of an emergency or disaster found in Title 10 of the statutes.
- Is the outcome of the public health system working with the medical care system to identify gaps in our community response and establish appropriate objectives to address these gaps.

It is the mission of the Flathead City-County Health Department to assure the conditions in which people can be healthy through collaboration, education, promoting stewardship of our resources, and providing preventive health services to our community.

HB 362

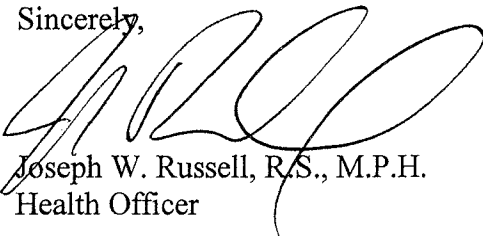
February 16, 2009

Page 2

During a declared disaster or emergency, the objective a community-oriented public health system is to assure that response and recovery efforts direct action towards preserving the health of people and communities. Allowing for the practice of disaster medicine and limiting the liability for licensed health care providers practicing disaster medicine is an important step towards protecting the public health.

Please support House Bill 362.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Russell', is written over the typed name and title.

Joseph W. Russell, R.S., M.P.H.
Health Officer